

THE DAILY HERALD  
Salt Lake City, Utah.

FRIDAY, MARCH 12, 1886.

LOCAL BRIEFS.

MALTY is still attracting good audiences at the Pavilion.

STEVE KINNEY, the youthful forger, has been released on \$1,000 bonds.

There is said to be a fair prospect of Logan and Salt Lake being connected by telephone.

ROBERT McFARLANE paid \$20 in the Police Court yesterday, on the charge of battery.

B. G. RAYBOLD yesterday filed his bonds of \$500 as executor of the estate of James Robbins, deceased.

WELLS, FARGO & Co.'s shipments yesterday were: Base bullion, \$1,000; fine bars, \$21,200; total, \$22,200.

In the case of Joseph Baumgarten v. Marie Gothe, default and judgment was entered as prayed for yesterday.

THE HEARING of a joint memorial by its title is almost as interesting as Balfour's "Year he, Year he, Year he."

H. B. CLAWSON's buggy was run into and badly damaged by a Tilling Office express wagon yesterday. No one hurt.

AND AFTER all has been said and done, Demint has been confirmed as Surveyor-General of Utah. See our dispatches.

THE CASE of Giovanni Cereghino vs. Frederick Kilmberg et al.; argued and submitted; decision to be rendered on Monday.

E. J. ST. JOHN, a native of the Isle of Jersey, was admitted to citizenship yesterday. He is now a resident of Tooele County.

T. B. JONES & Co. received yesterday, one car Germania bullion, \$2,000.00; lead and silver ores, \$5,333.94; total, \$7,333.94.

IN THE Third District Court, yesterday, in the case of F. J. Kline & Co. vs. C. M. Brown et al., default and judgment was entered as prayed.

MRS. P. L. WILLIAMS and Arthur Pratt were committed yesterday, a \$100 fine in lieu of bail, for the alleged Hall yesterday afternoon.

MCCORMICK & Co. received yesterday, Hammer bullion, \$4,000.00; Pascoe bullion, \$1,450.00; silver, \$1,530.00; total, \$6,980.00.

ALBERT GORONKA committed a battery on Jim Buckley the other evening. He was arrested in the Police Court yesterday, and was fined \$7 for the offense.

P. T. PARKS and W. H. King did some aggressive rustling about midnight last evening, in order to secure the passage of the stock bill introduced by the latter.

THE WITNESS of Mr. Sharp, in the Court last evening, for the members to "believe in" and settle the Sergeant-at-Arms' bill, was a move which showed a largeness of heart and a levity of head characteristic of the man.

WHEN THE title of the bill to reduce the terms of sentences of prisoners for good conduct was amended in the House last evening, a member asked what the object of the bill was with "for good conduct" stricken out. "To reimburse the prisoners," answered Sam Thurman.

THE RESIDENCE of Mrs. Hardy, widow of the late Bishop Hardy, was searched by deputies yesterday, the officers giving out that they had reason to believe Mrs. Coxall and a Miss Hardy were secreted there. The ladies, however, were not discovered, and the deputies then went to the residence of Mr. L. G. Hardy and served a subpoena upon the wife of that gentleman, Mrs. Hardy, however, was too ill to leave her room.

THAT SEEMS to be something very peculiarly tender and touching in the history of the reporters of our esteemed morning contemporary, John C. Young received a drubbing for some of his meanness, and gracefully withdrew to private life; Lipman struck a snag and ran against a gentleman whom he had insulted, and took a trip east; and now Hardy has fallen by the way side. There are but two reporters who have flunked on the sheet but have met with a sudden and infinitely end—Dan's Goodwin and Alf Reese. The former once escaped punishment owing to the fact that he could run faster than his assailant, and Reese's innocence and the fact that he was dragged into bad company is all that saved him.

A COUPLE of soldiers raised Ned on Second South Street early yesterday morning. A citizen complained to the police that he had been knocked down and robbed by a couple of our country's defenders, but when Officers Pratt and Burt arrived on the scene, the assaulted party was not to be found. The officers entered the saloon to look for the man, when they were "jumped" by Corporal Barker, who drew a pistol, but before he could use it he was arrested and disarmed. Another soldier then struck one of the officers, and he was also arrested. It is a remarkable fact that all the rows kicked up by the soldiers, it is rare, if ever, that the letter "K" is seen. The boys next to the Herald are said to behave themselves admirably.

**Tom and Jerry.**

The fame of this cold-weather beverage dispensed at The Occidental, is widespread. The stock of liquors, wines, beers, ales, cigars, etc., kept at this old established house are of the best brands. Families desiring supplies for the holidays should bear this fact in mind.

**AT THE RISK.**

Matty, the champion, appears again this evening, and every evening this week, in new and startling tricks. His success has been phenomenal, and the increasing interest in his performance is simply wonderful. Admission has been reduced to 25c; ladies free; skates 25c. Good music in attendance.

**A Five Line**

Of Baby Carriages at Dinwoody's.

**Black Lubricating Oils.**

We have bought at a big bargain a car load of very fine Black Lubricating Oil, which we offer in barrel lots to consumers at a very low figure.

O. F. CLUMER & Sons.

RED HOT.

The House Excoriates Murray.

SOME SHOULDER HITS.

The Session Winding up With a Howling Boom.

BILLS PASSED AND REJECTED

All Hope of a Compromise Dead, and the Legislators Still Sleepily Grinding Away.

THE COUNCIL.

Thursday, March 11, 10 a.m.

Usual opening preliminaries.

On motion of Councilor Sharp, the rules were suspended for the transaction of any business which might be brought up.

At 10:20 a recess was taken, and at 10:50 the president called to order for the reading of a message from the House, amounting to its concurrence in the Council amendments to the highways bill. The bill was sent to the enrollment committee.

Later, H. F. 82, passed by the House, was received, read and referred to the committee on judiciary. The bill provides for the payment of officers of the Assembly for the present session.

The enrollment committee reported the highways bill, as enrolled, signed, etc.

At 11:30, a recess was taken till 2 o'clock.

**AFTERNOON SESSION.**

3 p.m.

The message of the Governor vetoing the appropriation bill was received from the House; also one with his approval of three House measures: to provide for distributing West's maps; to encourage the growth of timber, and the Rich County bull bill.

The Morgan City charter came in from the Governor with a couple of small amendments suggested, which were concurred in, and as amended reported.

Mr. Grover, from the judiciary committee, reported back the bill referred to it in the morning, providing for the payment of officers of the Legislature, saying that as the bill contemplated an appropriation of money from the territorial treasury, and as the Governor had stated in his veto of the appropriation bill that he would not consent to the paying out of one dollar which would be a waste of time to further consider the present measure. Report adopted and the bill donated to the paper mill.

The approvals of the Governor to C. F. 7, amending sections 4 and 5, chapter 45, laws of 1881; C. F. 8, the highways bill; C. F. 20, amending sections 378 and 389 of the (Compiled) Laws of 1876, and C. F. 41, the Logan City charter, were received and read.

The resolutions of the joint committee on the veto messages, on the compilation measures and bill, were read, concurred in and ordered spread upon the minutes of the Council.

A message was forwarded from the House, containing the Governor's approval of twelve House measures, which are noted in the minutes of that branch. Also that the Lett charter had been received from His Excellency with a suggestion for amendment. The bill was amended and repassed.

The Cedar City bill was reported as enrolled.

The Governor's nominations of Arthur Pratt, to be librarian and recorder of marks and brands, and Chris. Diehl, to be a sealer of weights and measures, were received and read.

The veto message to H. F. 49, the elections and voters, was read.

THE HERALD's receipted bill for dailies furnished members during the session was received and acknowledged with thanks.

At 5:40, a recess was taken till 8 o'clock, unless sooner called by the Chair.

**S. P. M.**

At the evening session, Mr. Hammond, from the education committee, reported C. F. 38, amending section 4, chapter 30, session laws of 1884, returned by the Governor with recommendation to amend, with a substitute bill, and recommended that the substitute be put on its passage. Substitute read and passed.

The Governor sent in nominations as follows, which were read and ordered spread upon the minutes:

For Chancellor of the Deseret University—Henry W. Lawrence.

For Regents—J. B. Rosborough, Thomas Marshall, J. R. Walker, C. C. Goodwin, G. S. Erb, W. S. McCormick, G. M. Scott, R. Mackintosh, Jno. R. Park, M. S. Severance, M. B. Sowles, J. L. Hawkins.

For Treasurer—Walter Almy.

For Directors of the Insane Asylum—Warren N. Dusenberry, James Dunn, A. O. Smoot, Jr., John C. Young, J. E. Dooley and W. M. Perry.

The Sergeant-at-Arms reported a bill of \$10.70 for stationery, books, newspapers, etc., ordered by the Council, which Mr. Sharp proposed to liquidate by a motion that the President be treasurer of a fund to be contributed to by all the Councilors. Motion carried.

The Richmond City charter amended by the House according to the suggestion of the Governor, was received, the amendment read and the bill passed.

Mr. Groves introduced C. F. 43, a substitute for the vetoed bill to prevent the befouling of waters, which was regularly read and passed.

A joint memorial asking Congress to donate land adjoining the Asylum, was received from the House, read and passed.

H. F. 65, amending chapter 10, laws

of 1881, amended by the House by suggestion of the Governor, was received, read and passed.

H. F. 62, amending the code of civil procedure, was introduced.

Substitute for H. F. 41, amending section 21, chapter 49, laws of 1884, received from the House, was read and passed.

H. F. 54, for the benefit of the prisoners released from the Penitentiary, passed by the House, was read and passed.

H. J. R. 24, to redeem jury certificates for 1882-3, was referred to the judiciary committee.

Mr. HAMMOND, from a select committee of the Council, handed to the Clerk and had read the following brief address, accompanying an ebony gavel, handily mounted with Utah silver and gold, and bearing the inscription on a gold scroll in the center of the head, presented to Hon. Elias A. Smith, President, by members and officers of the Council of the Legislative Assembly of the Territory of Utah, 27th Session, 1885-6.

Dear Sir—As the Twenty-seventh session of the Legislative Assembly is about to draw to a close, and our labors as members of the Council cease, we feel that we cannot do justice to our hearty appreciation of the efficient and impartial manner in which you have presided over this body for the past six days, and beg to assure you that our personal regard for you is of such a nature that while memory remains we shall have a kindly feeling for our esteemed President. Feeling that you fully appreciate our warm sentiments toward you, and realizing that your work as a member of the Council is a poor return for the convey the expressions of the heart, we trust that this sympathetic feeling with which all true men are endowed, to convey to you our hearty desire for your future success, and in the hope that our sentiments are reciprocated, we tender you a kind remembrance in the form of this gavel, and that so long as you may look upon it we may retain permanent place in your memory till the Great President of all shall call us to order.

President Smith, in a feeling reply, thanked the Councilors for the manner in which they had aided him through the session, and hoped their future relations would be as pleasant as they had been in the Council.

The substitute for C. F. 30, was received from the House and passed.

The stock branding bill, amended by the House, was received, amendments adopted and bill passed.

The Morgan and Moroni City charters were received, approved, from the Governor.

The House sent word that the Governor had approved the act for lessening the terms of C. F. 43, to prevent the befouling of waters. Enrollment.

A new bill, C. F. 44, to prevent the spread of certain noxious plants, was introduced by Mr. Hammond, read, amended and referred, and subsequently reported back and rejected.

A message from the Governor told of his approval of the school examinations bill, C. F. 35.

The equalization bill veto was received and read.

The House concurred in the Council amendments to the bill for the relief of prisoners.

Mr. Grover reported adversely on the House joint resolution to redeem warrants.

The approval of the befouling of waters bill was received and read, in three minutes after leaving the enrollment committee.

The Union railways depot bill was resurrected, partly read, but owing to the fatigued condition of the members, the further reading was postponed till 12 o'clock.

Message from the House: Announcing the passage of H. F. 55, the hotel baggage lien bill; referred to the committee on militia.

The bill providing for impounding estrays, etc., passed by the House, was received and referred; afterwards read and passed.

The militia committee reported with an amendment changing the last word—Assembly—to Council. Bill read and passed.

The bill to prevent the spread of contagious diseases among stock was received from the House and concurred in.

At 4:40 o'clock the Council was still in session.

**THE HOUSE.**

The closing gasp of the Legislative session found the members of the House more intent on rushing about packing up, than on attending to business, but despite the continuous running in and out, the Speaker managed to secure a quorum, and the following business was transacted:

THE CHAPLAIN gave an eloquent farewell exhortation. The reading of the minutes of the previous day was dispensed with, and the Clerk instructed to check them up.

The highway bill, with the Council amendments, was received and passed.

Mr. HATCH reported back McLaughlin's record of marriages bill, without recommendation. On motion of Mr. King, action was indefinitely postponed.

Mr. Hatch also reported back the measure referred to the committee on the Judiciary early in the session; the communication of the Auditor, requesting the Legislature to appropriate "the funds" to the various districts, and the communication of L. Q. C. Lamar, on the rights of Territorial Legislatures to pay expenses from the Territorial Treasury. Both were laid on the table.

Mr. McLAUGHLIN sprung something of a surprise upon the House by rising and introducing the following measure, which, after being amended by Mr. King, by inserting the item to pay the Chaplain for clerical service, was passed.

That the sum of \$4,000 is hereby appropriated out of any money in the Territorial Treasury, not otherwise appropriated, for the payment of officers of the Twenty-seventh session of the Legislative Assembly, to be paid and distributed as follows:

To H. M. Wells, Chief Clerk of the Council, \$300.00

To J. G. Kimball, Seargent-at-Arms of the Council, \$200.00

To J. G. Cannon, Messenger of the Council, \$200.00

To John H. Hargrave, Clerk of the Council, \$200.00

To C. G. Shaw, Chaplain of the Council, \$100.00

To M. G. Whitney, Chief Clerk of the House of Representatives, \$200.00

To J. H. Boyden, Seargent-at-Arms of the House of Representatives, \$200.00

To Levi Snow, Seargent-at-Arms of the House of Representatives, \$200.00

To Thos. E. Olsen, Messenger of the House of Representatives, \$200.00

To L. H. Young, Welchman of the House of Representatives, \$200.00

To Joseph Hall, Chaplain of the House of Representatives, \$200.00

To Daniel Hargrave, Minute Clerk of the House of Representatives, \$200.00

To V. H. Halliday, Minute Clerk of the Council, \$200.00

To Daniel Leatham, Usher of the House of Representatives, \$200.00

To Alred Ridges, Usher of the Council, \$200.00

To C. G. Shaw, for clerical services in the Council, \$100.00

To Joseph H. H. clerical services in the House, \$100.00

Provided, That each of said per ons, before receiving the Auditor's warrant, shall assign to this Territory his claim against the United States for services rendered during this session of this Legislative Assembly.

The only speech was by Mr. King, who said he certainly thought, in view of the action of Congress in withholding the per diem—not of members—but of those officers who were in no way responsible for any action or non-action of the Legislature, that an attempt should be made to see them paid out of the Territorial Treasury. He thought the withholding of the officers' pay a despicable action—such as a body like Congress should be ashamed to enact.

Mr. CANNON thought that there should be a preamble, reciting the need of such a measure, and rather thought, in view of the United States statute on the subject, that the Legislature had as much right to pay the members as the officers. The bill was sent to the Council.

Mr. Lusk reported back the bill punishing jail-breaking, which was laid on the table.

There being no further business, the House at 11:30 took a recess until 2 p.m.

There was a full attendance at this hour, all the benches being filled with spectators, and several members yielding up their seats to ladies.

The Speaker called the regular order of business, and the first item, "Reports of Select Committees" was named, when Mr. West arose and said the committee appointed to consider the veto of the Governor had two reports to make. The first was read by the clerk as follows:

Whereas, His Excellency, Governor Eli H. Murray, vetoed the bill passed by this Assembly providing for the compilation of the laws of Utah Territory, and in his veto message made use of the following language, to-wit: "But there are other and far more potent reasons why this resolution, performed by other of like character should not become law, viz: First—The handling of so large a sum of money should be done by legal officers, under valid bonds. This is not possible until the appointment and confirmation of an Auditor and Treasurer in conformity with the law of Congress. The present de facto Auditor and Treasurer are holding over long after the expiration of the terms prescribed by an illegal statute and by an election void in itself, and the bonds under which they serve if ever they were legal, are so no longer. Second—A number of statutes enacted by Legislatures of the past stand among the laws of Utah to-day which are in direct conflict with the laws of Congress, which are supreme. These laws, when analyzed in their very bones and in the very inclusions of their every feature, are shown to be acts of nullification of the laws of the land, which you and I have sworn to maintain."

Under these laws the Executive authority of the Territory, and the authority of the government of the United States for years have been persistently ignored and set at defiance. This resolution proposes to republish these laws, in a compilation which will further mislead the people of this Territory, and I am asked to approve them, and sign a draft for \$10,000 of public funds drawn from the pockets of all classes of people to further publish this travesty on government in the Territory, and this is grounds wrong upon the laws of Congress."

Whereas, Section 4 of the Organic Act establishing a Territorial government for Utah provides that "The Legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly," and

Whereas, Section 2 of said act provides that "The Governor shall have the right to veto any bill passed by the Legislative Assembly before they shall take effect," thus conferring upon him the absolute veto, and making his will or silence, as the case may be, to outweigh the unanimous vote of both Houses of the Legislative Assembly; and

Whereas, Section 6 of said act provides that "All the laws now in force in this Territory have been so passed by the said Legislative Assembly, been so approved by the Governor, and have been forwarded to Congress and have not been disapproved by a competent court; said law was not, therefore, void, said election was not illegal, nor did nor said officers unlawfully hold over. Therefore, be it

Resolved, By the Council and House of Representatives of the Legislative Assembly of the Territory of Utah, that the refusal of His Excellency to sign bills because of his opinion concerning the official status of the Auditor and Treasurer is only a pretext and a reason; that he has made of the absolute veto power vested in him an engine of oppression, partisanship and malice; that in giving official utterance to the sentiment that the regularly enacted and approved laws of Utah are acts of nullification, Eli H. Murray openly and wilfully insults the patriotism of the Territorial Legislative Assemblies of this Territory; that he openly, defiantly, and for revolutionary purposes, insults the patriotism of the good people of this Territory, by whom said Legislative Assemblies were elected, and whose representatives we are; and lastly, that he wilfully and deliberately insults the intelligence, patriotism and devotion to duty of his predecessors in office, who, while possessing the absolute veto, and being equal in authority to him, the said Eli H. Murray, and equally responsible with the Legislative Assembly,

have given their final approval of said laws. And be it

Further Resolved, That the said statement of the said Governor of Utah Territory, when analyzed in their very bones, and in the inclusions of their every feature, are found to be wilful, studied and deliberate misrepresentations, fabricated for the purpose of arousing Congress and the people of the United States to a bitter and unrelenting hostility to the people of this Territory, and of promoting thereby such hostile legislation as would ultimately destroy every vestige of liberty and republican government in the Territory of Utah; that the unhalloved purpose which he seeks by such statements as these to promote, his public utterances and career in this Territory, have clearly demonstrated to be his chief aim and desire ever since his appointment to the executive chair, and that present attitude in withholding his signature for needed laws, and thereby obstructing the demands of legislation, with nothing but railing accusations instead of sound reasons for his executive disapproval, places him in the position of an obstructionist, a nullifier, and an arrogant and defiant opponent of the local and constitutional demands of a liberty-loving, loyal and much abused people, whose best interests it should be his highest aim to promote, and whose constitutional rights he has sworn to maintain, and be it

Further Resolved, That these resolutions be spread upon the minutes of both houses of this Assembly.

Mr. KING moved that these resolutions be adopted as the sense of the House.

Mr. McLAUGHLIN raised the point of order that this committee made no report. They had not been appointed for the purpose of making resolutions.

THE SPEAKER stated that the committee were appointed to report by resolution or otherwise as they saw fit. Mr. McLAUGHLIN demanded the yeas and nays on this proposition. Several members as eagerly echoed his request, and the yeas and nays were called, with only one negative—Mr. McLaughlin himself. Messrs. Cannon, Stratford and Thurman were absent.

Mr. HATCH said he thought absentees should have the privilege of recording their votes.

Mr. McLAUGHLIN said not unless they had a reasonable excuse, some members might have sneaked off to escape recording their votes.

Several members exclaimed that there was no absent member of the House who would not be willing to be recorded.

THE SPEAKER voted with the yeas:

The second set of resolutions handed in was as follows:

Mr. Speaker—Your special joint committee appointed to consider the veto messages of His Excellency Eli H. Murray, upon the measures known as the ball bills beg leave to report as follows:

We do not recommend any apology for such an unusual proceeding. The startling and autocratic conduct of the Governor in annulling the long and conscientious labors performed by the chosen representatives of an entire commonwealth, justifies and demands from us a reply.

The first bill which passed the Legislature was as follows:

"That Section 385 of 'an act regulating the mode of procedure in criminal cases,' approved February 22, 1875, be repealed and the following be substituted in lieu thereof:

SECTION 385—After conviction of an offense not punishable by death a defendant shall, upon application therefor, be admitted to bail as a matter of right."

In response to this measure Governor Murray forwarded to the House the following veto message:

TERMINITY OF UTAH.  
EXECUTIVE OFFICE,  
SALT LAKE CITY,  
JAN. 25, 1886.

Hon. W. W. Ritter, Speaker of the House of Representatives:

"Section 385 of 'an act regulating the mode of procedure in criminal cases,' provides as follows: 'After conviction of an offense not punishable by death a defendant who has appealed and is not a fugitive from justice, may be admitted to bail, first as a matter of right, when the appeal is from a judgment imposing a fine only; second, as a matter of discretion in all other cases.' The bill now in my hands (H. F. No. 3) for approval provides as follows: 'That section 385 of 'an act regulating the mode of procedure in criminal cases,' approved February 22, 1875, be repealed and the following be substituted in lieu thereof:

"SECTION 385—After conviction of an offense not punishable by death a defendant shall upon application therefor be admitted to bail as a matter of right." With few exceptions the rule for the admission of defendant to bail after conviction leaves the question to the discretion of a proper showing of the court, when it may be done. It would be detrimental to the administration of public justice and should be given as a matter of right by an arbitrary statute in cases only in which the peace and welfare of society may not be endangered. Under the bill before me a defendant convicted of murder in the second degree or guilty of rape and other infamous crimes may prosecute an appeal and on appeal be admitted to bail, and by operation of law at once be turned loose upon the society he has wronged. Under the practice governing appeals the courts will be left powerless to control or correct this outrage upon the public. The present law has been fully sustained, and the rights of a defendant in criminal procedure, and which the Supreme Court of the United States in the late case of the United States vs. Rudger Clawson. The courts have wisely exercised the discretion imposed upon them in granting and denying bail, as the merits of the case suggested, and the practice has uniformly proved beneficial in executing the law. In my opinion, by depriving the courts of discretion in this very important feature in criminal procedure, and which the bill before me does, we place in the hands of those who seek to defeat the execution of the laws the power of trifling with justice, and to delay and defeat the punishment prescribed by law against those who stand convicted of public offenses. For these and other reasons which present themselves, I return the bill to the House to which it originated, without my approval.

Very respectfully,  
ELI H. MURRAY,  
Governor."

Avoiding the only specific or well-founded objection raised by His Excellency to the former bill, a second bill was passed, as follows:

"After conviction of an offense, a defendant who has appealed shall, upon application therefor, be admitted to bail pending said appeal as a matter of right, when the offense charged is not

murder, rape or other infamous offense punishable with more than five years in the Penitentiary, and in those cases he may be admitted to bail as a matter of discretion, when the offense charged is not punishable with death."

To this measure the Governor again responded with a veto, in the following words:

TERMINITY OF UTAH.  
EXECUTIVE OFFICE,  
SALT LAKE CITY, Feb. 9, 1886.

To Hon. W. W. Ritter, Speaker, House:

"The present law governing bail was taken from the California code, from which much of our law is copied. The practice which the bill before me proposes to change continues in California, New York, and as a rule, throughout the United States. The practical result, should this bill be once a law, at this time, will be to supplement and aid the purposes of those who for years have been and now are combined to defeat the execution of laws of the United States.

The defense fund, to which I have heretofore asked your attention, has been applied for this purpose not only in Utah, but in our neighboring Territories of Idaho and Arizona, in the vain hope of successfully defeating the system of polygamy.

The fact that the docket and time of the courts are taken up in cases growing out of polygamy, and that even technically known to the law has been resorted to in order to delay and defeat the execution of laws denouncing the system, imperatively demands of the Executive to veto every statute which is just and applicable that guards the administration of justice.

The section ought to be changed is applicable and just, because it has been sustained by the Supreme Court of the United States, and materially aids in the punishment of public offenders, and is a well honored practice under the common law. Under the bill proposed, the rich man, or the man shielded by powerful contester, after conviction will go at large, and the poor man and stranger will go to jail.

As I am in sympathy with the government in the endeavor and am charged to see that "the laws are faithfully executed," I must again withhold my approval from this H. F. No. 30, or any like measure under the circumstances which both national and Territorial laws will be delayed or defeated in their execution.

I have the honor to be,  
Very respectfully,  
ELI H. MURRAY, Governor."

Thus in the exercise of his absolute and unrelenting way, the Governor has made it impossible for this Legislature to provide proper and needed protection of personal liberty.

In the two veto messages upon this subject, objections are multiplied with out number. Many of the claims advanced upon their face are shown to lack material essence. They are trivial for consideration. The only possible objection of real weight was announced in the first message, and was obviously a second time. The Governor's assertion that the United States Supreme Court had fully sustained the present law, and completely determined the rights of defendants thereunder, has no relevancy. The Supreme Court did not say that, simply because the lower courts had exercised the discretion granted them by law, that therefore the Legislature had lost its discretionary power to amend or enlarge the statute. That might truly be said to be the case, but the Supreme Court did not say that, simply because the lower courts had exercised the discretion granted them by law, that therefore the Legislature had lost its discretionary power to amend or enlarge the statute. That might truly be said to be the case, but the Supreme Court did not say that, simply because the lower courts had exercised the discretion granted them by law, that therefore the Legislature had lost its discretionary power to amend or enlarge the statute.

The people of Utah Territory, speaking through the unanimous voice of their chosen Legislators, declare that an enlargement or change of the law regulating bail was necessary. It is true that the practice was here since some—not all—other portions of this country, to leave to the discretion of the courts the power to grant or withhold bail, pending appeal in certain cases. For many years this power was wielded here, as in other places where it is held by the courts, in moderation, mercy, and impartially. No one class of offenders was singled out for special favors. No one class was selected for particular vindictiveness. But late, with growing and cruel adverse sentiment to the people of Utah, with an imported judiciary, boastfully hostile to their property and personal rights, with an almost entire body of officials backed by press and pulpit upholding any scheme directed against them, this discretionary power in the hands of the judges was made an engine of injustice, oppression and inhumanity. Under these circumstances, with public sentiment in favor of the bill, but with a court that would not grant bail, we could not overcome the autocratic whim or prejudice of the one man whose awful will is made superior to the expressed will of 200,000 people.

Of the legal right of the Legislature, under well founded principles, to make such a law there can be no question. There is no reason to doubt that, if such a measure had passed to Congress, that great body would at once have given the necessary approval. The contention of our laws from the Constitutional down to the present day is to provide as much liberty for the citizen as possible, and bail is allowed in cases involving in criminal procedure the power of securing his appearance for final judgment, need suffer an hour's imprisonment until his case has been decided, and irreversibly committed to the court to which it is to be sent.

Questioned on Fifth Page.

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The defense fund, to which I have heretofore asked your attention, has been applied for this purpose not only in Utah, but in our neighboring Territories of Idaho and Arizona, in the vain hope of successfully defeating the system of polygamy.

The fact that the docket and time of the courts are taken up in cases growing out of polygamy, and that even technically known to the law has been resorted to in order to delay and defeat the execution of laws denouncing the system, imperatively demands of the Executive to veto every statute which is just and applicable that guards the administration of justice.

The section ought to be changed is applicable and just, because it has been sustained by the Supreme Court of the United States, and materially aids in the punishment of public offenders, and is a well honored practice under the common law. Under the bill proposed, the rich man, or the man shielded by powerful contester, after conviction will go at large, and the poor man and stranger will go to jail.

As I am in sympathy with the government in the endeavor and am charged to see that "the laws are faithfully executed," I must again withhold my approval from this H. F. No. 30, or any like measure under the circumstances which both national and Territorial laws will be delayed or defeated in their execution.

I have the honor to be,  
Very respectfully,  
ELI H. MURRAY, Governor."

Thus in the exercise of his absolute and unrelenting way, the Governor has made it impossible for this Legislature to provide proper and needed protection of personal liberty.

In the two veto messages upon this subject, objections are multiplied with out number. Many of the claims advanced upon their face are shown to lack material essence. They are trivial for consideration. The only possible objection of real weight was announced in the first message, and was obviously a second time. The Governor's assertion that the United States Supreme Court had fully sustained the present law, and completely determined the rights of defendants thereunder, has no relevancy. The Supreme Court did not say that, simply because the lower courts had exercised the discretion granted them by law, that therefore the Legislature had lost its discretionary power to amend or enlarge the statute. That might truly be said to be the case, but the Supreme Court did not say that, simply because the lower courts had exercised the discretion granted them by law, that therefore the Legislature had lost its discretionary power to amend or enlarge the statute.

The people of Utah Territory, speaking through the unanimous voice of their chosen Legislators, declare that an enlargement or change of the law regulating bail was necessary. It is true that the practice was here since some—not all—other portions of this country, to leave to the discretion of the courts the power to grant or withhold bail, pending appeal in certain cases. For many years this power was wielded here, as in other places where it is held by the courts, in moderation, mercy, and impartially. No one class of offenders was singled out for special favors. No one class was selected for particular vindictiveness. But late, with growing and cruel adverse sentiment to the people of Utah, with an imported judiciary, boastfully hostile to their property and personal rights, with an almost entire body of officials backed by press and pulpit upholding any scheme directed against them, this discretionary power in the hands of the judges was made an engine of injustice, oppression and inhumanity. Under these circumstances, with public sentiment in favor of the bill, but with a court that would not grant bail, we could not overcome the autocratic whim or prejudice of the one man whose awful will is made superior to the expressed will of 200,000 people.

Of the legal right of the Legislature, under well founded principles, to make such a law there can be no question. There is no reason to doubt that, if such a measure had passed to Congress, that great body would at once have given the necessary approval. The contention of our laws from the Constitutional down to the present day is to provide as much liberty for the citizen as possible, and bail is allowed in cases involving in criminal procedure the power of securing his appearance for final judgment, need suffer an hour's imprisonment until his case has been decided, and irreversibly committed to the court to which it is to be sent.

Questioned on Fifth Page.